

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

TIVARI TYRELL MUSGROVE

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)
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Case No.: 1:06cr290-WKW-CSC

UNOPPOSED MOTION TO EXPEDITE SENTENCING HEARING

COMES NOW the Defendant, **TIVARI T. MUSGROVE**, by and through undersigned counsel, Jennifer A. Hart, and moves this Honorable Court to expedite the sentencing hearing in this case which is presently scheduled to take place on May 8, 2007. As grounds for granting this Motion, Defendant would show the following:

1. On December 13, 2006, Tivari Tyrell Musgrove was charged in a three-count Indictment with offenses involving the use of false documents and falsely representing himself to be a citizen of the United States.

2. On January 26, 2007, the parties entered into an 11(c)(1)(C) plea agreement in which they agreed that the appropriate sentence would be 4 months, provided that such a sentence fell within the advisory sentencing guideline range.

3. Since the entry of the plea, United States Probation Officer Doug Mathis has completed the Presentence Investigation Report ("PSR") in this case, and both parties have notified Mr. Mathis that they have no objections to the PSR.

4. The applicable advisory guideline range set forth in the PSR is 0 to 6 months.

5. Ms. Musgrove has been in federal custody since November 26, 2007. However, he also spent one month in state custody for the same charges prior to coming into federal custody.

Therefore, he will have served the entire 4 months of his federal sentence by, no later than, March 27, 2007.

6. Ms. Musgrove is a citizen of the Bahamas and there is an Immigration and Customs Enforcement detainer placed on him. Thus, upon the expiration of his federal sentence, he will be turned over to the custody of Immigration officials.

7. In light of the foregoing, Mr. Musgrove asserts that it is in the interest of judicial economy to conduct his sentencing hearing on a date as soon as is conveniently possible for the Court.

8. Neither the Government nor Probation has any objection to the granting of this Motion.

WHEREFORE, in light of the foregoing, Tivari Musgrove respectfully requests that his presently scheduled sentencing date of May 8, 2007, be expedited and held as soon as it is convenient to the Court.

Dated this 9th day of March 2007.

Respectfully submitted,

s/Jennifer A. Hart
JENNIFER A. HART
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick
Assistant United States Attorney

Respectfully submitted,

s/Jennifer A. Hart
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